

**COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND**

Bill No. 08-20

Introduced by: Council Member Shrodes and Council President Boniface

Legislative Day No. 08-08 Date: March 18, 2008

AN ACT to add the definitions of agricultural processed product and farm market, private to Section 267-4, Definitions, of Article I, General Provisions; to repeal and reenact, with amendments, the definition of agricultural product, of Section, 267-4, Definitions, of Article I, General Provisions; to repeal and reenact, with amendments, Subsection (D), Specific regulations, of Section 267-34, AG Agricultural District, of Article VI, District Regulations; to repeal and reenact, with amendments, Subsection F, Agricultural/Commercial, of Section 267-43, Approval, of Article VII, Design Standards for Special Developments; to repeal and reenact, with amendments, Table I: Principal Permitted Uses for Specific Zoning Districts: Retail Trade, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code,

By the Council, March 18, 2008

Introduced, read first time, ordered posted and public hearing scheduled

on: April 15, 2008

at: 6:30 p.m.

By order: Barbara J O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 15, 2008 and concluded on April 15, 2008..

Barbara J O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[BRACKETS] indicate matter Deleted from existing law. Underlining
indicates Language added to bill by amendment. Language Lined
through indicates matter stricken out of Bill By amendment.

**COUNTY COUNCIL
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HARFORD COUNTY, MARYLAND**

Bill No. 08-

Introduced by: Council Member Shrodes and Council President Boniface

Legislative Day No. _____ Date: _____

as amended; to provide for new definitions of agricultural processed product and farm market, private; to clarify the definition of agricultural product; to provide for the sale of agricultural processed products under certain circumstances; to establish certain standards for Agricultural/Commercial uses; to establish a new retail use as a special development in the AG District; to amend the table for Principal Permitted Uses for Specific Zoning District: Retail Trade; and generally relating to the AG District.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[BRACKETS] indicate matter Deleted from existing law. Underlining
indicates Language added to bill by amendment. Language Lined
through indicates matter stricken out of Bill By amendment.

BILL NO. 08-20

1 Section 1, Be It Enacted By the County Council of Harford County, Maryland that the
2 definition of agricultural processed product and farm market, private, be, and they are
3 hereby, added to Section 267-4, Definitions, of Article I, General Provisions; that the
4 definition of agricultural product, of Section 267-4, Definitions, of Article I, General
5 Provisions, be, and it is hereby, repealed and reenacted, with amendments; that
6 Subsection (D), Specific regulations, of Section 267-34, AG Agricultural District, of
7 Article VI, District Regulations, be, and it is hereby, repealed and reenacted, with
8 amendments; that Subsection F, Agricultural/Commercial, of Section 267-43, Approval,
9 of Article VII, Design Standards for Special Developments, be, and it is hereby, repealed
10 and reenacted, with amendments; and that Table I: Principal Permitted Uses for Specific
11 Zoning Districts: Retail Trade, be, and it is hereby, repealed and reenacted, with
12 amendments, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County
13 Code, as amended, all to read as follows:

14 Chapter 267. Zoning.
15 Part 1. Standards.
16 Article I. General Provisions.
17 Section 267-4. Definitions.

18 For purposes of this Part 1, the following words and phrases have the meanings
19 provided below:

20 AGRICULTURAL PROCESSED PRODUCT-AN AGRICULTURAL PRODUCT
21 THAT IS TREATED IN ORDER TO INCREASE ITS MARKET VALUE,
22 INCLUDING BUT NOT LIMITED TO SUCH PROCESSES AS CANNING,
23 MILLING, GRINDING, FREEZING, HEATING AND FERMENTING.

1 Agricultural Product- [Livestock, any agricultural, forestry, horticultural, vegetable, or
2 fruit product of the soil, and any extraction of such a product.] PRODUCTS GROWN
3 OR RAISED ON A FARM, INTENDED FOR DIRECT HUMAN OR ANIMAL USE,
4 SUCH AS VEGETABLES, FRUITS, DAIRY PRODUCTS, EGGS, GRAINS, MEAT,
5 POULTRY, FISH, HONEY, JELLY, JAM, HAY, BEDDING PLANTS AND WOOL.
6 FARM MARKET, PRIVATE- MEANS A MARKET HELD ON PRIVATE
7 PROPERTY BY MULTIPLE VENDORS SELLING AGRICULTURAL AND
8 AGRICULTURAL PROCESSED PRODUCTS ON A LIMITED BASIS NOT
9 EXCEEDING 1 EVENT PER CROP SEASON.

10 Article VI. District Regulations.

11 Section 267-34. AG Agricultural District.

12 D. Specific regulations. The following uses are permitted, subject to the additional
13 requirements below:

14 (1) Agriculture, provided that all buildings associated with this use, including
15 farmhouses, barns and silos, meet the required minimum setbacks for principal uses. The
16 operation of machinery, when used for agricultural activities, shall be permitted at any
17 time. Buildings in which animals are housed or kept shall comply with the following
18 setbacks from adjacent residential lots:

19		Setback From Adjacent
20	Number of	Residential Lot
21	Animal Units	(feet)
22	1 to 2	50
23	3 to 10	100

1 11 or more 200

2 (2) Agricultural retail sales, provided that the property is zoned Ag-Agricultural,
3 receives an agricultural assessment and that no more than 20% of the total area of the
4 agricultural retail use or structure is dedicated to non-agricultural products.

5 AGRICULTURAL RETAIL SALES INCLUDES AGRICULTURAL PROCESSED
6 PRODUCTS PROVIDED THAT THE ORIGINAL AGRICULTURAL PRODUCT
7 WAS GROWN OR RAISED ON THE PREMISES. [For the purposes of this paragraph,
8 "non-agricultural product" includes any processed form of an agricultural product.]

9 (3) Residential development, on parcels as described in the land records of February 8,
10 1977, as provided below:

11 (a) One lot shall be permitted on any parcel of land that is less than 11 acres.

12 (b) Two lots shall be permitted on any parcel of land that is from 11 acres to 19.99
13 acres.

14 (c) An additional lot shall be permitted for each additional 10 acres in excess of 20.

15 (d) An additional lot shall be permitted for any member of the immediate family of
16 persons who were individual owners of record (not corporate, partnership or joint-venture
17 owners) of the parcel. Immediate family shall be limited to fathers, mothers, brothers,
18 sisters, sons and daughters.

19 (e) Any new lot created pursuant to Subsection D[(2)] (3) (a) through (d) above shall
20 be a minimum of two acres unless the lot is located in an Agriculture Preservation
21 District established pursuant to § 2-501 et seq. of the Agriculture Article of the Annotated
22 Code of Maryland, then the lot size shall be that as approved by the state. In the event
23 that the primary parcel is removed from the district, the owner shall submit a revised

1 subdivision plan, establishing a minimum lot size of two acres. At such time, the owner
2 or his successors in title shall prepare and record the necessary deeds for the two-acre
3 conveyance and shall notify, in writing, the Department of Planning and Zoning of the
4 conveyance.

5 (f) The development rights created herein may be transferred pursuant to Subsection
6 D(4) below.

7 (4) Development rights established in Subsection D(3) may be transferred from any
8 parcel with an AG zoning to any other parcel with an AG zoning which is located within
9 one-half mile of the parcel from which the development rights are being transferred as
10 provided below:

11 (a) All development rights shall be transferable except one right for each existing
12 dwelling unit, provided that in no event shall less than one right be retained with the
13 parcel. The right to a family conveyance shall not be transferable.

14 (b) Contiguous parcels under common ownership may be considered one parcel.

15 (c) Development rights shall only be transferred by agreement, deed, easement or
16 other written easement, which shall be recorded in the land records of Harford County.

17 (d) The document transferring the development rights which is recorded in the land
18 records of Harford County as required under Subsection (4)(c) shall limit future
19 development rights on the parcel from which the development rights were transferred in
20 accordance with the number of rights transferred.

21 (e) The parcel receiving the development rights shall only be permitted to increase in
22 development rights by up to 50% of the development rights as were permitted on the
23 parcel as of February 8, 1977, excluding family conveyances.

1 (f) Development rights transferred under this subsection shall only be permitted to be
2 transferred once.

3 (g) A parcel from which development rights have been transferred pursuant to this
4 subsection, shall not be permitted to receive development rights pursuant to this
5 subsection.

6 (5) Conservation development pursuant to the conservation standards as provided in §
7 267-46.1.

8 (6) Conversion of existing single-family detached dwellings to accommodate not
9 more than four dwelling units shall be permitted in accordance with the following:

10 (a) The minimum lot size shall be two acres.

11 (b) The lot shall contain at least one acre for each dwelling unit.

12 (c) A minimum of two off-street parking spaces shall be provided for each dwelling
13 unit.

14 (7) Rubble landfills are permitted in accordance with § 267-40.1 of this chapter.

15 (8) Fire stations with fire station assembly halls shall be permitted in accordance with
16 the following:

17 (a) Access to the fire station and the fire station assembly hall shall be from a road
18 designated as principal arterial or minor arterial in the major road plan; and

19 (b) Only one fire station with a fire station assembly hall is permitted in the Ag
20 District for each volunteer fire company.

21 (9) Agricultural public events. These activities are permitted, provided the following
22 criteria are met:

23 (a) Minimum parcel area of [20] 10 acres with an agricultural assessment.

1 (b) The following setbacks shall apply unless otherwise specified:

2 (1) Minimum of 100 feet from all property lines, except road frontage and 200 feet
3 from any off site residence.

4 (2) Corn maze. Minimum of 25 feet from property lines and 200 feet from any off-
5 site residence.

6 (3) Farm tours. No setback for the use. The parking area shall be a minimum of 100
7 feet from property lines except road frontage and 200 feet from any off-site residence.
8 This area shall be covered with gravel and screened pursuant to § 267-28D.

9 (c) Must be owner or tenant operated. [Employees may include only family members
10 living on the site and not more than the total of 160 equivalent employment hours by
11 outside employees per week.]

12 (d) No operation between the hours of 10:00 p.m. and 7:00 a.m.

13 (e) Any lighting shall be shielded and directed away from any off-site residence and
14 may be used only during the permitted hours of operation.

15 (f) Safe and adequate access shall be provided for vehicular traffic, to be determined
16 by the State Highway Administration or Harford County.

17 (g) Adequate arrangements for temporary sanitary facilities must be in accordance
18 with Health Department regulations.

19 (h) Tenant farmer/tenant operator is an individual or business entity that is actively
20 producing or managing livestock, crops or other agricultural products and is not the
21 owner of the property being farmed. Agreement for this use is usually compensated by a
22 contract for rent, lease or on a crop sharing basis.

23 Article VII. Design Standards for Special Developments.

1 Section 267-43. Approval.

2 F. Agricultural/Commercial.

3 (1) General provisions.

4 (a) Must be approved by the Zoning Administrator.

5 (b) [The] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
6 parcel is minimum of [20] 10 acres [and is zoned and assessed agricultural and gross
7 agricultural/commercial sales are at least \$15,000 annually].

8 (c) THE PARCEL SHALL BE ZONED AND ASSESSED AGRICULTURAL.

9 [(c)] (d) Meets the specific criteria for the use.

10 [(d)] (e) Must be owner or tenant operated. [Employees may include only family
11 members living on the site and not more than the total of 160 equivalent employment
12 hours by outside employees per week.]

13 [(e) Must be approved to participate in the U.S. Department of Agriculture commodity
14 credit corporation payment limitation program.]

15 (f) Safe and adequate access shall be provided for vehicular traffic, to be determined by
16 the State Highway Administration or Harford County.

17 (g) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise
18 specified.

19 (h) Any lighting shall be shielded and directed away from any off-site residence and may
20 be used only during permitted hours of operation.

21 (i) Buildings in which animals are housed shall comply with Section 267-34D(1).

22 (j) Setbacks for these uses shall be a minimum of 100 feet from any adjacent residential
23 lot except for road frontage.

1 (k) Written approval from the record owner is necessary if someone other than the record
2 owner is operating the use.

3 (l) Tenant farmer / tenant operator is an individual or business entity that is actively
4 producing or managing livestock, crops or other agricultural products and is not the
5 owner of the property being farmed. Agreement for this use is usually compensated by a
6 contract for rent, lease or on a crop sharing basis.

7 (2) Amusements.

8 (a) Commercial riding stables. Parking shall be a minimum of 100 feet from
9 property lines except road frontage and 200 feet from any off-site
10 residence.

11 (b) Private parties and receptions.

12 (1) Unless located entirely within an enclosed building, this use shall
13 not be located less than 100 feet from any lot line except road frontage and
14 200 feet from any off-site residence.

15 (2) Adequate parking shall be provided on-site and screened from any off-
16 site residence.

17 (3) Hours of operation are not permitted between 12:00 midnight and
18 dawn.

19 (3) Industrial uses associated with agricultural uses as provided for in the use charts.

20 (a) Any new buildings or additions shall be located a minimum of 100 feet
21 from any lot line except road frontage and 200 feet from any off-site residence.

22 Existing buildings shall be exempt.

1 (b) Outside storage is permitted provided it is a minimum of 200 feet from
2 any off-site residence and screened pursuant to Section 267-28D.

3 Motor vehicle.

4 (a) Commercial or construction vehicles and equipment storage used
5 in the farming operation and owned by the farmer or tenant operator MAY
6 BE LOCATED ON THE PROPERTY PROVIDED THAT THE PARCEL
7 IS A MINIMUM OF 20 ACRES. THE STORAGE OF COMMERCIAL
8 OR CONSTRUCTION VEHICLES AND EQUIPMENT shall be located
9 not less than 100 feet from any property line except road frontage and 200
10 feet from any off-site residence and screened pursuant to Section 267-
11 28D(2). The income produced through the use of these vehicles and
12 equipment for other than farming operation shall not exceed more than
13 50% of the gross annual income for the farmer or tenant operator based on
14 a calendar year.

15 (b) Farm vehicles and equipment storage and service.

16 (1) Farm vehicles or pieces of equipment may be located on the farm property
17 PROVIDED THAT THE PARCEL IS A MINIMUM OF 20 ACRES.

18 (2) Storage of these vehicles or equipment for repair shall be a minimum of
19 200 feet from any off-site residence and screened pursuant to Section 267-
20 28D.

21 (c) School buses. School buses may be located on the property PROVIDED
22 THAT THE PARCEL IS A MINIMUM OF 20 ACRES. SCHOOL
23 BUSES SHALL BE LOCATED not less than 100 feet from any property

line except road frontage and 200 feet from any off-site residence and screened pursuant to Section 267-28D. GROSS AGRICULTURAL/COMMERCIAL SALES SHALL BE AT LEAST \$15,000 ANNUALLY.

(5) Retail.

(a) Feed and grain storage and sales.

(1) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

(2) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.

(b) FARM MARKETS, PRIVATE

(6) Services.

(a) Veterinary practice, large animals.

(1) Hours of operation shall not be limited for this use.

(2) Setback of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

(7) Restaurants.

(a) Shall not have seating capacity to accommodate more than 30 patrons.

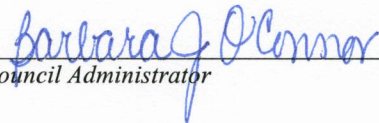
(b) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.

(c) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

- 1 (d) Shall not be in operation between 10:00 p.m. and 7:00 a.m.
- 2 Section 2. And Be It Further Enacted, that this Act shall take effect 60 calendar days
- 3 from the date it becomes law.

EFFECTIVE: June 16, 2008

*The Council Administrator does hereby
certify that fifteen (15) copies of this Bill are
immediately available for distribution to the public
and the press.*



Council Administrator

HARFORD COUNTY BILL NO. 08-20

Brief Title Agricultural District – Definitions

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date April 15, 2008

ENROLLED

Billy Bonfante
Council President

Date April 15, 2008

BY THE COUNCIL

Read the third time.

Passed: LSD 08-11

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 16th day of April, 2008 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator



BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date April 17, 2008

BY THE COUNCIL

This Bill No. 08-20 having been approved by the Executive and returned to the Council, becomes law on April 17, 2008.

EFFECTIVE DATE: June 16, 2008

Barbara J. O'Connor
Barbara J. O'Connor,
Council Administrator

BILL NO. 08-20

Table I:
Principal Permitted Uses for Specific Zoning Districts:

RETAIL TRADE

USE CLASSIFICATIONS	ZONING DISTRICTS																
	AG	RR	R	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
RETAIL TRADE																	
Agricultural retail	P							SE		P	P	P	P	P			
Antique shops, art galleries and museums	SE							SD		P	P	P	P	P			P
Auction houses, animal and agricultural related products	SE									SE			SE	P		P	
Auction houses, non agricultural related										P		P	P	P		P	
Christmas tree sales	T	T		T	T	T	T		T	T	T	T	T	T		T	
Convenience goods stores							SD			P	P	P	P	P			P
FARM MARKET, PRIVATE	SD																
Farmers co-ops	P									P	P	P	P	P		P	
Feed and grain mills	P									P				P		P	
Feed and grain – Storage and sales	SD																
General merchandise stores										P			P	P			
Hawkers and peddlers										T		T	T	T			
Liquor stores										P		P	P	P			P
Integrated community shopping centers (ICSC)											SD/**	SD/**	SD/**				
Shopping centers										P	P	P	P				
Shoppers merchandise stores*										P		P	P	P			P****
Specialty shops								SD*		P	P	P	P	P			P
Hobby and craft supplies (otherwise classified as specialty shops)								SE									
Mixed use center							SD** p***					SD** p***	SD** p***	SD** p***			

KEY: "P" indicates permitted subject to applicable code requirements
 "SD" indicates permitted subject to special-development regulations, pursuant to Article VII.
 "SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.
 "T" indicates permitted subject to temporary-use regulations, pursuant to § 267-27.
 * Except for Cosmetic shops, Key Shops and Novelty Shops
 ** indicates permitted subject to special-development regulation in the Commercial Revitalization District (CRD) only
 * * * indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only
 **** indicates that only apparel and accessories and communication equipment sales and service are permitted as shoppers merchandise stores within the MO District
 A blank cell indicates that the use is not permitted